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Attorneys for Plaintiff  
IRETA IRBY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT  
SAN FRANCISCO DIVISION

IRETA IRBY,

Plaintiff,

vs.

BROOKS HENDERSON HADEN,

Defendant.

**CASE NO. 3:08-MC-80004-PJH**

**STIPULATION AND [PROPOSED]  
ORDER REGARDING PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES**

**RECITALS**

1. On November 17, 1988, Plaintiff Ireta Irby ("Plaintiff") obtained a judgment against Defendant Brooks Henderson Haden ("Defendant") in the United States District Court for the Southern District of Texas (the "Texas Judgment");
2. On January 11, 2008, Plaintiff registered the Texas Judgment in California for a second time (the "California Judgment");
3. On March 26, 2008, Defendant moved to vacate Plaintiff's California Judgment;
4. On June 25, 2008, this Court issued its order denying Defendant's motion to vacate Plaintiff's California Judgment (the "June 25<sup>th</sup> Order");

1 5. Plaintiff incurred attorney's fees and expenses enforcing her California Judgment against  
2 Defendant;

3 6. On July 9, 2008, Plaintiff filed a motion for attorney's fees ("Motion") to recover  
4 \$13,814.87 in attorney's fees and expenses she incurred enforcing her California Judgment  
5 against Defendant;

6 7. Defendant does not oppose Plaintiff's Motion and agrees that Plaintiff is entitled to  
7 recover \$13,814.87 in attorney's fees and expenses incurred enforcing the California Judgment;  
8 and

9 8. On July 23, 2008, Defendant gave notice that he would appeal the June 25<sup>th</sup> Order.

10 **STIPULATION**

11 1. Plaintiff and Defendant ("the Parties"), by and through their counsel of record, stipulate  
12 that Plaintiff is entitled to recover \$13,814.87 in attorney's fees and expenses, pursuant to  
13 Plaintiff's Motion;

14 2. The Parties stipulate, by and through their counsel of record, that the August 27, 2008  
15 hearing scheduled for Plaintiff's Motion be taken off-calendar;

16 3. The Parties stipulate, by and through their counsel of record, that this stipulation is  
17 without prejudice to Defendant's right to appeal the June 25<sup>th</sup> Order;

18 4. The Parties stipulate, by and through their counsel of record, that if the California  
19 Judgment is subsequently vacated, Plaintiff will not be entitled to recover \$13,814.87 in  
20 attorney's fees and expenses pursuant to Plaintiff's Motion; and the Order Granting Plaintiff's  
21 Motion for Attorney's Fees will be vacated.

22 IT IS SO STIPULATED.  
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1 DATED: July 29, 2008

SEVERSON & WERSON

2  
3  
4 By: /s/ Rhonda L. Nelson  
Rhonda L. Nelson

5 Attorneys for Plaintiff

6  
7  
8 DATED: July 29, 2008

BARTLETT, LEADER-PICONE & YOUNG, LLP

9  
10 By: /s/ Malcolm Leader-Picone (SB# 104620)  
Malcolm Leader-Picone

11 Attorneys for Defendant

12  
13  
14 IT IS SO ORDERED.

15 Dated: \_\_\_\_\_, 2008

16 By: \_\_\_\_\_  
Hon. Phyllis J. Hamilton  
U.S. District Court Judge